

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

KRISTA FLOWERS LUEBRECHT,)	
)	
Plaintiff,)	
)	
v.)	No. 2:12-CV-86-NAB
)	
PIKE COUNTY R-3 SCHOOL)	
DISTRICT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of plaintiff's complaint [Doc. #1], as well as her response to the Court's January 4, 2013 Memorandum and Order [Doc. #6].

Having carefully reviewed the complaint and plaintiff's right-to-sue letters, it now appears to the Court that plaintiff is bringing this action under Title I of the American with Disabilities Act of 1990 ("ADA"),¹ Title VII of the Civil Rights Act of 1964, the Missouri Human Rights Act, Mo. Rev. St. § 213.010, *et seq.*, and the

¹Although plaintiff does not specify under which Title of the ADA she is bringing this action, the Court will liberally construe the complaint under Title I, given that the allegations involve discrimination by an employer against an employee.

Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* The complaint, however, does not provide the Court with sufficient information to review plaintiff's claims under 28 U.S.C. § 1915(e)(2)(B). Specifically, plaintiff has failed to assert allegations against each of the ten named defendants in this action, and she has failed to state the essential facts of her claim as to each named defendant, describing the conduct that she believes was discriminatory and how each defendant was involved in that conduct.

Because plaintiff is proceeding pro se, the Court will allow her time to file an amended complaint in accordance with this Memorandum and Order. In the amended complaint, plaintiff shall complete in its entirety the court-provided form titled "Employment Discrimination Complaint." In the "Caption" of the form complaint, plaintiff shall set forth the name of each defendant she wishes to sue, and she shall also state the capacity in which she is suing each individual defendant (i.e., individual capacity, official capacity, and/or both individual and official capacities). If plaintiff needs more space, she may attach additional sheets of paper to the amended complaint and identify them as part of the "Caption."

In the "Statement of Claim" section of the amended complaint, plaintiff shall start by typing the first defendant's name, and under that name, she shall set forth in separate numbered paragraphs the allegations supporting her claim(s) as to that

particular defendant. Plaintiff shall proceed in this manner with each of the named defendants, separately setting forth each individual name and under that name, in numbered paragraphs, the facts and allegations supporting her claim(s) as to that particular defendant. The amended complaint must contain short and plain statements showing that plaintiff is entitled to relief, the allegations must be simple, concise, and direct, and the numbered paragraphs must each be limited to a single set of circumstances. If plaintiff needs more space, she may attach additional sheets of paper to the amended complaint and identify them as part of the "Statement of Claim." Plaintiff shall sign the amended complaint.

Because the Court is allowing plaintiff to amend her complaint, it will take no action as to the named defendants at this time. Plaintiff is advised that her amended complaint will replace her original complaint and will be the only complaint this Court reviews. The Court will not consider any claims that are not included in the amended complaint, even if they were asserted in the earlier complaint.

In accordance with the foregoing,

IT IS HEREBY ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint at this time.

IT IS FURTHER ORDERED that the Clerk shall send plaintiff a copy of the Court's form complaint titled "Employment Discrimination Complaint."

IT IS FURTHER ORDERED that, within thirty (30) days from the date of this Order, plaintiff shall submit to the Court a fully completed and signed amended complaint, in accordance with this Memorandum and Order.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action, without prejudice.

Dated this 25th day of January, 2013.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE